

# Exhibit 1

1 HONORABLE MICHELLE L. PETERSON  
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8 UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 NANNETTE BASA, an individual,

11 Plaintiff,

12 v.

13 BRAND SHARED SERVICES, LLC, a  
14 Delaware corporation,

15 Defendant.

16 Case No. 2:21-cv-00754 MLP

17 DEFENDANT'S OBJECTIONS AND  
18 RESPONSES TO PLAINTIFF'S FIRST  
19 INTERROGATORIES AND REQUESTS  
20 FOR PRODUCTION

21 Defendant Brand Shared Services, LLC ("Defendant") responds to Plaintiff Nannette  
22 Basa's ("Plaintiff") First Interrogatories and Requests for Production as follows:

23 **PRELIMINARY STATEMENT**

24 The information contained in each response is based only on the information currently  
25 available to Defendant. These responses are made solely for purposes of this action. Each  
26 response is subject to all objections as to competence, relevance, materiality, propriety, and  
admissibility, and all other objections and grounds which would require the exclusion of any  
statements contained herein, if such statements were made by a witness present and testifying at  
court. All objections and grounds are expressly reserved and may be interposed at the time of  
trial.

DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST  
INTERROGATORIES AND REQUESTS FOR PRODUCTION - 1  
(CAUSE NO. 2:21-CV-00754 MLP)

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(206) 946-4910

1	Michelle Roman	VP of HR	50+	Unknown	c/o Defendant's counsel
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3       **INTERROGATORY NO. 4:**     Please identify and describe in detail your process  
4 for determining which employees were retained and which were laid off during reductions in  
5 force for the last two years throughout the company. If there are specific written policies,  
6 procedures, or other guidelines that are used to direct the process, please identify those  
7 documents.

8       **ANSWER:** Defendant objects to this interrogatory to the extent it seeks attorney client  
9 privileged communication and attorney work product. Defendant further objects to this  
10 interrogatory as vague and ambiguous, overbroad, unduly burdensome, and not reasonably  
11 calculated to lead to the discovery of admissible evidence. Defendant employs approximately  
12 38,000 people across 30 countries; when reductions-in-force happen, they can impact hundreds  
13 or thousands of employees and there may be considerable variation regarding the factors that  
14 factor into decisions at a departmental level. For example, in the 2020 reduction in force alone,  
15 Defendant estimates that approximately 100 people were laid off. Decisions to terminate are  
16 made by different decision-makers in different departments.

17       Subject to and without waiving the foregoing objections, Defendant answers as follows:  
18 to the extent there are any responsive written policies, procedures, or guidelines, they will be  
19 produced.

20       **SUPPLEMENTAL ANSWER:** Subject to and without waiving the foregoing  
21 objections, Defendant supplements as follows -- The process for determining which employees  
22 in the HR department (i.e., Plaintiff's former department) were laid off was as follows: with an  
23 eye toward meeting specific value capture targets set forth by corporate, leadership assessed the  
24 HR structure (current and future) by reviewing the number active employees and their high-level  
25 roles and responsibilities and then looking for opportunities to combine roles and responsibilities

26 DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST INTERROGATORIES  
AND REQUESTS FOR PRODUCTION - 7  
(CAUSE NO. 2:21-CV-00754 MLP)

1 for each of the HR work groups. Once leadership understood where they had opportunity to  
 2 streamline work within each work group, they took a closer look at the roles and responsibilities  
 3 for each incumbent in those roles and made a determination of which roles to eliminate.

4       **INTERROGATORY NO. 5:**       Please identify all individuals who were involved in  
 5 the decision to the hire or create positions for Ryan Wilson, Nicole Norris and “Wes P.”, and  
 6 describe each person’s participation in detail.

7       **ANSWER:** Defendant objects to this interrogatory as vague and ambiguous and to the  
 8 extent it assumes that positions were “created” for Ryan Wilson, Nicole, Norris, and “Wes P.”  
 9 (believed to be Wes Powell who is a contractor and not Defendant’s employee).

10       Subject to and without waiving the foregoing objections, and assuming the interrogatory  
 11 seeks the names of the person who hired Ryan Wilson, Nicole Norris, and “Wes P.” (believed to  
 12 be Wes Powell), Defendant answers as follows:

13       The decisions to hire Mr. Wilson and Ms. Norris were made by Director of Talent  
 14 Acquisition Karen Riapos. Defendant did not hire “Wes P.” (believed to be Wes Powell) as an  
 15 employee; he was a contractor.

16       **INTERROGATORY NO. 6:**       Please identify all individuals who were considered  
 17 for the positions that were ultimately filled by Ryan Wilson, Nicole Norris and “Wes P.”. For  
 18 each individual identified, include their job title, name, age, and race/nationality.

19       **ANSWER:** Defendant objects to this interrogatory as vague and ambiguous with regard  
 20 to the meaning of the phrase “were considered for the positions.” Defendant also objects to this  
 21 interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the  
 22 discovery of admissible evidence. In the ordinary course of business, Defendant does not store  
 23 or maintain information related to applicants for a particular position. It would be  
 24 extraordinarily difficult for Defendant to try to scour through its records to try to reconstruct the  
 25 hiring process for the roles that Mr. Wilson and Ms. Norris were ultimately hired into.

26 DEFENDANT’S RESPONSES TO PLAINTIFF’S FIRST INTERROGATORIES  
 AND REQUESTS FOR PRODUCTION - 8  
 (CAUSE NO. 2:21-CV-00754 MLP)

1           **REQUEST FOR PRODUCTION NO. 4:** Please produce all documents identified in  
2 Your answer to Interrogatory No. 4.

3           **RESPONSE:** Defendant hereby incorporates by reference its objections to Interrogatory  
4 No. 4. Subject to and without waiving the foregoing objections, Defendant will produce any  
5 non-privileged responsive documents.

6           **REQUEST FOR PRODUCTION NO. 5:** With regards to the positions filled by Ryan  
7 Wilson and Nicole Norris and “Wes P.”<sup>1</sup>, please produce the related job postings, the  
8 applications materials submitted by all applicants, interview notes, and any communications or  
9 documents regarding the decision making process.

10          **RESPONSE:** Defendant hereby incorporates by reference its objections to Interrogatory  
11 Nos 5 and 6. Subject to and without waiving the foregoing objections, and upon execution of a  
12 Protective Order, Defendant will produce responsive any nonprivileged responsive documents.

13          **REQUEST FOR PRODUCTION NO. 6:** Please produce the OWBPA disclosures  
14 provided to each person that was selected for layoff during the reduction in force that lead to  
15 Plaintiff’s termination.

16          **RESPONSE:** Defendant objects to this request as vague, ambiguous, overbroad, unduly  
17 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.  
18 Subject to and without waiving these objections, Defendant will produce non-privileged  
19 responsive documents for the individuals identified in interrogatory 2.

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25          <sup>1</sup> See [https://www.linkedin.com/in/wes-p-924947162/?locale=es\\_ES](https://www.linkedin.com/in/wes-p-924947162/?locale=es_ES)

1 DATED: January 14, 2022.

SEYFARTH SHAW LLP

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DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST INTERROGATORIES  
AND REQUESTS FOR PRODUCTION - 12  
(CAUSE NO. 2:21-CV-00754 MLP)

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# Exhibit 2

**Cody Fenton-Robertson**

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**From:** Alexander Higgins <alex@alexjhiggins.com>  
**Sent:** Sunday, August 28, 2022 3:57 PM  
**To:** Kazaryan, Emma J.; Cody Fenton-Robertson  
**Cc:** McFarland, Helen M.  
**Subject:** Re: Basa v. Brand: Missing Emails and Need for CR 37

Emma,

We are writing to inform you that Brand has either failed to preserve or failed to produce a number of responsive emails. We need to schedule a CR 37 as soon as possible to address this.

After a thorough review of the emails produced, we have concluded that emails relating to the following work performed by Ms. Basa have not been produced (but she knows that such emails were sent and received on these topics):

1. Work on a staffing project with Mark Sawka and Anthony Mendez. Multiple positions, e.g., they had a temp and wanted to hire before the contract term was up.
2. Work with Cathy Chang and Ralph Daniels on Capital projects. Multiple positions. 2019.
3. Conversion of Temp employees to full time in Fontana, CA in 2020. One specifically in finance. Manager's name was Olivia.
4. Payroll department staffing where Ms. Basa worked on with temp to perm by 2019 and passed off to April Wright to finalize.
5. Daniel McDaniel communications on more than just VNDLY. She also interacted with him on potential cost saving projects with Background Checks and Drug screen vendors (recruiting process improvement) in 2019-2020. She also worked on recruitment for one of his direct reports that handled travel function. Ms. Basa interviewed male a candidate from military in mid-2020.
6. King Bay project in 2020.
7. There were legal compliance issues with subcontractors since this was a federal project. CL Coding (division). Chuck McCartney was aware and exchanged emails with Nannette about this. In-house counsel, Rachel, was involved in some of the emails.
  - a. **Note: we have not received any privilege log from you.**
8. Vishnu (Engineering-Vishnu and Mark Kohlmeier) complaining to Nannette that Karen Riapos was not responsive. 2019-2020 (after Karen started)
9. Emails on recruitment for BLP-Rotation program with Nick Green in 2017-2020.
10. Recruitment for WoodRiver, IL Branch in 2020.
11. In September 2020, April Wright sent an email telling Nannette to get a business phone for business use.
12. Real Estate recruitment with Adrienne Rice. Some emails were produced but not all. For example, an internal candidate (Mary Anderson) was having problems with her transfer. Other candidates but those are missing. 2019-2020.
13. Driver recruitment in Ohio, open req, but no movement. Hiring Manager was waiting to bring back other driver who got into an accident due to DUI. 2020.
14. Email exchange with Karen about the 2019 performance reviews in early 2020 (maybe March) where Nannette asks Karen to complete her portion so Nannette could finish hers.
  - a. Nannette also emailed Kim Hunt about technical issues on the form.
  - b. Early 2019, email exchanges between Rod B. and Jamie Hay about Nannette's review for 2018. Around the same time as her special bonus.

- c. One email has been produced with the wrong scores. The actual review was higher but was never produced.
- 15. IT-Catherine Lango. Karen Riapos promised to do something for them and Catherine emailed Nannette asking what to do because it was not done. 2019-2020.
- 16. Staffing in Hawaii. 2019-2020.
- 17. Safeway Atlantic. 2019-2020.
- 18. Emails and Team Chat with Rich Doherty.
- 19. Verifying updates to confidentiality agreement for temp labor
- 20. Birddog, which was the HRIS system used by legacy Safway-contract should have been cancelled in 2019, but Canada was using and we needed to re-negotiate collection fees.
- 21. Legal wording on job postings for entities, since BrandSafway was not a legal name-for example it should be listed as "CL Coating, a BrandSafway Company". This was communicated to HR in emails.

-Alex

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# Exhibit 3

***Basa v. Brand***  
**Defendant's Privilege Log**

No.	Document Type	Date of Document	Description	Category of Privilege
1	Emails	Ongoing since approximately 2021	Emails between Brand employees and Seyfarth Shaw related to Nannette Basa and this litigation	Attorney-Client privilege, Work Product privilege
2	Emails	Ongoing since approximately 2021	Emails between Brand in-house counsel (including, without limitation, Theresa McDaniel and Gareth Carline) and Brand employees related to Nannette Basa and this litigation	Attorney-Client privilege, Work Product privilege
3	Timeline	No date; provided to counsel in or around December 2021	Timeline prepared by Brand employee(s) for Seyfarth Shaw for purposes of this litigation	Attorney-Client privilege, Work Product privilege
4	Corporate RIF Worksheet	December 4, 2020	Corporate RIF Worksheet prepared by Brand employee(s) in anticipation of discussion with Brand in-house counsel regarding reduction-in-force	Attorney-Client privilege
5	Emails	2019-2020	Emails between Brand employees and Brand in-house counsel (including, without limitation, Rachel Retzke and Ashley Merritt) regarding various third-party partner and vendor contracts	Attorney-Client privilege

# Exhibit 4

## Cody Fenton-Robertson

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**From:** Alexander Higgins <alex@alexjhiggins.com>  
**Sent:** Monday, September 19, 2022 8:10 AM  
**To:** Kazaryan, Emma J.; Cody Fenton-Robertson  
**Cc:** McFarland, Helen M.  
**Subject:** Re: Basa v. Brand -- Privilege Log

Emma,

I have waited for a week to hear your response to my email below. Please advise.

-Alex

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**From:** Alexander Higgins <alex@alexjhiggins.com>  
**Date:** Monday, September 12, 2022 at 3:08 PM  
**To:** "Kazaryan, Emma J." <[ekazaryan@seyfarth.com](mailto:ekazaryan@seyfarth.com)>, Cody Fenton-Robertson <[cody@beanlawgroup.com](mailto:cody@beanlawgroup.com)>  
**Cc:** "McFarland, Helen M." <[hmcfarland@seyfarth.com](mailto:hmcfarland@seyfarth.com)>  
**Subject:** Re: Basa v. Brand -- Privilege Log

Emma,

This is not adequate. With regards to privileged communications on or about December 4, 2020, please provide the names of the lawyers and the names of the Brand representatives who were privy (either as addressees or ccs) on the communications, along with the mode of communication (e.g., emails, Teams, texts) and the dates.

I'm not sure we need that level of detail with the other privileged communications, but I doubt it.

-Alex

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**From:** "Kazaryan, Emma J." <[ekazaryan@seyfarth.com](mailto:ekazaryan@seyfarth.com)>  
**Date:** Friday, September 9, 2022 at 4:48 PM  
**To:** Alexander Higgins <[alex@alexjhiggins.com](mailto:alex@alexjhiggins.com)>, Cody Fenton-Robertson <[cody@beanlawgroup.com](mailto:cody@beanlawgroup.com)>  
**Cc:** "McFarland, Helen M." <[hmcfarland@seyfarth.com](mailto:hmcfarland@seyfarth.com)>  
**Subject:** Basa v. Brand -- Privilege Log

Good afternoon Alex and Cody,

Please find attached Brand's privilege log and please let me know if you have any questions or concerns.

Best,  
Emma

**Emma Kazaryan** | Associate | Seyfarth Shaw LLP  
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